

REMARKS

A response to the July 23, 2010 Office Action was due October 23, 2010. However, under 37 C.F.R. § 1.7(a), when the last day for taking any action in the United States Patent and Trademark Office falls on Saturday, Sunday or on a Federal holiday within the District of Columbia, the action may be taken on the next succeeding business day which is not a Saturday, Sunday or a Federal holiday. Since October 23, 2010 was a Saturday, a response to the July 23, 2010 Office Action filed on the next succeeding business day, i.e., on Monday, October 25, 2010, is to be considered timely. Accordingly, this Amendment is being timely filed.

Claims 7, 10-14, 16 and 18-21, as presented in Applicants' communication of April 30, 2010, are pending and under consideration, with claims 7, 10, 12-14 and 19-21 being in independent form. Claims 1-6 were previously withdrawn from consideration by the Examiner as being directed to non-elected subject matter. Claims 8, 9, 15 and 17 were previously cancelled without disclaimer or prejudice.

Rejection of Claims 7, 10-14, 16 and 18-21 under 35 U.S.C. § 112, First Paragraph

In the July 23, 2010 Office Action, the Examiner rejected claims 7, 10-14, 16 and 18-21 under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement.

With respect to independent claims 7, 10, 12-14 and 19-21, the Examiner alleged that there is inadequate written descriptive support for (i) the “transmission buffer” element having a function of **storing** transmission data and (ii) the “reception buffer” element having a function of **storing** received data.

Claims 11, 16 and 18 were rejected for depending from independent claims 7, 10

and 14, respectively.

Applicants respectfully traverses the Examiner's rejection for at least the following reasons.

Under the written description requirement of 35 U.S.C. § 112, the disclosure of the application relied upon must reasonably convey to one of ordinary skill in the art that, as of the filing date of the application, the inventor had possession of the later-claimed subject matter. *Vas-Cath Inc. v. Mahurkar*, 935 F.2d 1555, 1563 (Fed. Cir. 1991). “[T]he invention claimed does not have to be described *in ipsius verbis* in order to satisfy the description requirement of § 112.” *In re Lukach*, 442 F.2d 967, 969 (CCPA 1971).

In the July 23, 2010 Office Action, the Examiner cited Wikipedia and discussed what the term “buffer,” in the abstract, would reasonably convey to one of ordinary skill in the art. Specifically, the Examiner stated in paragraphs [03a] and [03b]:

...“the term “buffer” can refer to either a data buffer (which stores data that is being transferred from a ‘fast’ circuit to a ‘slow’ circuit) or an electrical buffer (which does not store data, but merely insulates one circuit from another as data is transferred). The claims recite a data-type buffer, but the Figures imply an electrical buffer. The specification supports only the umbrella term without making reference to storage or electrical insulation.

Applicants respectfully point out that the term **“buffer”** was not recited in the **abstract** in the specification of the subject application. In fact, the specification provides description of a buffer 93a and a buffer 93b in the context of signal transmission and reception. Further, the Examiner acknowledged that the “specification clearly supports ‘a transmission buffer and a reception buffer’”.

Therefore, the issue facing the Examiner is not what the term “buffer” in the abstract would reasonably convey to one of ordinary skill in the art. Instead, the issue facing the Examiner is what the term “transmission buffer” and “reception buffer” would reasonably

convey to one of ordinary skill in the art.

Therefore, Applicants respectfully submit that the Examiner's findings with respect to the term "buffer" is clearly insufficient to support the Examiner's conclusions that there is inadequate written descriptive support for (i) the "transmission buffer" element to have a function of **storing** transmission data and (ii) the "reception buffer" element to have a function of **storing** received data.

Moreover, Applicants respectfully submit that the function of storing transmission and received data is implicitly or inherently disclosed by the term "transmission buffer" and "reception buffer."

Withdrawal of the Examiner's rejection of claims 7, 10-14, 16 and 18-21 under 35 U.S.C. §112, first paragraph, is respectfully requested.

Rejection of Claims 7, 10-14, 16 and 18-21 Under 35 U.S.C. §103(a)

In the July 23, 2010 Office Action, the Examiner rejected claims 7, 10-14, 16 and 18-21 under 35 U.S.C. §103(a) as being allegedly unpatentable over U.S. Patent Application Publication No. US 2003/0085994 A1 to Fujita et al. (hereinafter "Fujita '994") in view of U.S. Patent No. US 5,657,344 A to Na (hereinafter "Na").

Applicants respectfully traverses the Examiner's rejection of claims 7, 10-14, 16 and 18-21 for at least the following reasons.

Na, as presently understood by Applicants, is directed to signal processing in digital cordless telephones, which significantly differs from the field of capsulate medical systems. Accordingly, Applicants respectfully submit that one of skill in the art would not have looked to the teachings of Na to modify the circuit described in Fujita '994 to arrive at the capsular medical systems set forth in independent claims 7, 10, 12-14 and 19, and the methods

set forth in independent claims 20 and 21.

Based on the foregoing discussion, Applicants respectfully submit that the Examiner has failed to establish a *prima facie* case of obviousness with respect to independent claims 7, 10, 12-14 and 19-21. Accordingly, independent claims 7, 10, 12-14 and 19-21 are patentable over the cited references under 35 U.S.C. §103(a).

Claims 11, 16 and 18 depend from and include all of the limitations of independent claims 7, 10 and 14, respectively. Accordingly, claims 11, 16 and 18 are patentable over the cited references under 35 U.S.C. §103(a) for at least the reasons set forth above with respect to independent claims 7, 10 and 14.

Withdrawal of the Examiner's rejection of claims 7, 10-14, 16 and 18-21 Under 35 U.S.C. §103(a) is respectfully requested.

Conclusion

In view of the above, Applicants respectfully submit that the subject application is in condition for allowance. Accordingly, Applicants respectfully request that the subject application be allowed and a Notice of Allowance issued. If the Examiner believes that a telephone conference with Applicants' attorneys would be advantageous to the disposition of this case, the Examiner is requested to telephone the undersigned.

Respectfully submitted,

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